

REPORT

Of the Select Committee, appointed on the 5th instant, to take into consideration the subject of amending the Constitution of the United States, in respect to the election of a President and Vice President of the United States; accompanied with a joint resolution to effect that object.

DECEMBER 22, 1823.

Read, and, with the said Resolution, committed to a Committee of the whole House on the state of the Union.

The Select Committee, raised for the purpose of "inquiring into the expediency of recommending to the several states the propriety of amending the Constitution of the United States, in such manner, that the mode of electing the members of the House of Representatives in Congress may be uniform throughout the United States; also, that the mode of choosing electors of President and Vice President of the United States, may be, in like manner, uniform; and, also, that the election of the said officers may, in no event, devolve upon the House of Representatives;" have had under consideration the subjects committed to their charge, and ask leave to submit the following Report, with the accompanying Resolutions:

The Committee, profoundly impressed with the importance of the propositions embraced in the resolution under which they have been appointed, have felt a corresponding sense of the magnitude and difficulty of the duty imposed upon them by the order of the House. To devise a plan for the election of Members of the House of Representatives, and of the President and Vice President of the United States, which will correct existing, and obviate impending evils; and, at the same time, harmonize the conflicting views of states, variously situated, and variously affected by it, has been the anxious desire and laborious effort of the Committee. How far they have been successful, in accomplishing these great objects, they submit it to the indulgence and liberality of the House to determine.

The Constitution of the United States provides, that "the times, places, and manner, of holding elections for Representatives, shall be prescribed, in each state, by the Legislature thereof; that Congress

may, at any time, by law, make or alter such regulations." It also provides that, "each state shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the state may be entitled in Congress."

The plan submitted by the Committee, proposes, that each state shall be divided into as many districts, as will equal the number of Representatives to which the state may be entitled in Congress, and that each of the said districts shall elect one Representative. It also proposes, that each of the said districts shall choose one elector of President and Vice President of the United States, and that the electors, thus appointed, in each state, shall choose the two additional electors, to which the state is entitled.

From this collated view of the existing provisions, and proposed amendments of the Constitution, it will be seen that a fundamental change is contemplated, in reference to the mode of choosing members of the House of Representatives, and electors of President and Vice President of the United States. It is a change, however, which counts among its strongest claims to our favorable consideration, its absolute efficacy in preventing changes. For, it will fix, upon uniform and permanent principles, those creative operations of popular sovereignty, which are now liable to be controlled by the diversified and clashing expedients of twenty-four states, mutually independent. Indeed, an attentive consideration of the nature and functions of a written Constitution, will lead us to the extraordinary, but manifest conclusion, that, in relation to the mode of choosing the popular branch of the National Legislature, and of the chief executive magistrate of the Republic, *we have no constitutional provision at all.* A fixedness and permanence, not liable to be disturbed by ordinary acts of legislation, are essentially involved in the elementary notion of a Constitution. Accordingly, in all governments, having any just pretensions to civilization or freedom, it has been a primary object to secure those fundamental canons which give organization and impulse to the political system, against any changes proceeding from an authority less solemn and weighty, than the source of sovereignty itself. To secure liberty, against the violent tyranny of successive and temporary factions, and, also, against the more systematic encroachments of ambition, this extraordinary stability of the law which constitutes the government, has been found, by universal experience, to be an indispensable safeguard. Yet, in direct violation of this primary and essential principle of regulated freedom, the very foundations of the two most important branches of this government are permitted to fluctuate with the mutable counsels of twenty-four separate Legislatures. The Committee, therefore, believe, that the plan proposed, is recommended, not less by the consideration that it *permanently and uniformly* fixes the rule which it introduces, than by the intrinsic superiority of that rule, to any other that has been adopted, amidst the changes incident to the existing state of constitutional laxity.

Under the existing system, if system that may be called which is without system, the inquiry in the respective states is not which is intrinsically the best mode of choosing representatives in Congress, and electors of President and Vice President of the United States, but what is the best defensive expedient to counteract the regulations of other states, and secure the utmost relative weight in the affairs of the Union. The party which happens to have the ascendancy will thus be furnished with pretexts, at least plausible and imposing, for the adoption of measures calculated to deprive the minority of their just rights, and tending to produce, as they invariably have produced, that acrimonious political excitement which inevitably results from injustice and oppression, however disguised or palliated by motives of public expediency. To prevent majorities from exercising this sort of oppression, is one of the primary objects of a written Constitution.

With these general preliminary views, the Committee will proceed to the separate consideration of the amendments embraced in the plan submitted to the House.

It has been seen that the "times, places, and manner," of electing the members of this House, are now liable to be prescribed by the Legislatures of the several states, *subject to the controlling and superseding power of Congress.*

In addition to the remarks already made on the political solecism of placing it in the power of every state government virtually to change the Constitution of the Union, the committee feel bound to examine briefly the nature and tendency of the power thus vested in Congress.

If it should ever happen to this, as it has happened to all other free countries, that the administration of the Republic should fall into the hands of a faction; of men who, having acquired power by corrupt combinations, would be disposed to retain it in opposition to the will of the people, and to exert it in opposition to their interests, the power in question would become exceedingly dangerous. It is in such periods that the barriers of the Constitution are most essential; because it is in such periods that those, from whose reluctant grasp the sceptre of dominion is about to be wrested by an indignant people, are exposed to the strongest human temptation to perpetuate their authority by every desperate expedient not absolutely prohibited.

And does not the Constitution almost literally place in their hands precisely such an expedient in the power of regulating the elections of the members of this body? It is susceptible of demonstration, that the elections might be so arranged by a party in power, that a small minority of the people would elect a majority of the national representatives. The mode of operation would be various, according to varying circumstances. Sometimes the object would be accomplished by changing the district into the general ticket system; sometimes by an artificial arrangement of districts; and sometimes by a skilful combination of both. As nothing is too desperate for a faction struggling for existence, let us suppose that they should prescribe, as they

would have the unquestionable power to prescribe, that, in all those states where a majority of the people were favorable to their purposes, the representatives should be elected by a general ticket, thus suppressing the voice of the minority; and, that all the states opposed to their domination, should be divided into districts, in such manner that the minority of the people should elect a majority of representatives. As examples of such high-handed proceedings are already to be found in the history of several of the State Governments, the supposition that the general government, with more powerful inducements to mislead it, will, at some future period, pursue a similar course, cannot be considered extravagant or improbable.

The Committee, therefore, feel the deepest conviction, that the power now vested in Congress, of controlling the election of its own members, is utterly inconsistent with every just conception of constitutional liberty, and ought no longer to exist.

Having thus attempted to shew the necessity of a plan of such permanence, as equally to exclude the disturbing influence, both of the general and state governments, the Committee propose to examine the comparative advantages of the general ticket and district systems of electing the Representatives in Congress. It will scarcely be denied, that a just regard for the relative weight of each state in the affairs of the Union, requires that one or the other of the systems should prevail in all the states. Upon any question of national policy, in relation to which the interests or wishes of two states should stand mutually opposed, it would be obviously unjust, that the one should have, by means of a general ticket, an undivided vote in this house; while the other, electing by districts, might be almost neutralized by her divisions. It remains, therefore, only that we inquire which of the two systems is intrinsically the best.

In favor of the general ticket system, it has been urged, with considerable plausibility, that, by extending the sphere of selection, the number of competitors, of competent qualifications, will be proportionally increased, and that the influence of demagogues, who can only operate effectually in a small sphere, will be greatly diminished.

It cannot be denied that it sometimes happens, that a particular district might select a representative residing out of its limits, better qualified than any residing within them; but, it is to be remarked, that there is nothing in the system proposed, which will prevent a district from electing any resident citizen of the state, without regard to the particular place of his residence. It is true, that each district will generally elect one of its own citizens, from obvious considerations justifying the preference. But this, so far from being an objection, would tend to produce a distribution of the talent of the state, in every view desirable: for, it has been found that talents, like every thing else, will naturally seek the market which promises the most appropriate reward.

That part of the argument under consideration, which assumes that the district system is calculated to give to the arts of demagogues an undue ascendancy, is worthy of a more serious considera-

tion. It will be admitted, that this system enables the constituent to become better acquainted with his representative, than is practicable under the other. Can it be maintained, then, that, in proportion as we increase the opportunities of the people to obtain a knowledge of the character and qualifications of the candidates, we diminish the chances of a judicious selection? Is it true, that, in a fair competition before the people, art and hypocrisy will prevail over talent, integrity, and independence? On the contrary, it is confidently believed, that truth will ultimately prevail in all competitions before the people, if maintained with an ability and firmness equal to that by which error is supported. This proposition is the basis upon which only a representative democracy can be sustained. If it be not true, it then becomes expedient to devise some scheme which will virtually take from the people the elective power. And, the Committee are of opinion, that the general ticket system is precisely of this description.

In a state of any considerable extent, almost every candidate must, in the nature of things, be unknown to the great body of the people. They, of necessity, vote by faith, and not by knowledge; and the few distinguished politicians who are selected to concentrate the popular opinion, acquire a control over it little short of the power of absolute dictation. Universal experience teaches us that few men are to be found of sufficient firmness and purity to resist the temptation to abuse such power. Cabals and factious combinations, stimulated by selfish views of aggrandisement, are the inevitable consequences.

But, it is not to be expected, that this sort of dominion will be quietly submitted to by those politicians who have no participation in it. A contest for the dictatorship ensues, agitating the community, and destroying the harmony of society, by mere personal and family feuds, when there is no difference of *principle* between the contending parties.

Nor would the evil effects of this state of things, be confined to the state. As the political course of opposing parties is very much determined by feelings of mutual antipathy, it would frequently happen, that, when one party supported the existing administration of the general government, the other would stand opposed to it. Under these circumstances, every revolution produced by the alternate successes and defeats of these rival parties, might increase or diminish the supporters of the general government, by the whole number of the representatives of the state in Congress. Besides the mutability which would be thus communicated to the national councils, the general government, feeling its power to be identified with the fate of a state party, would be tempted to interfere in the political struggles of that state. And, when we consider the effect which might be produced by the judicious distribution of patronage amongst the leaders in such contests, we cannot doubt that the facility and the means of such interference, are equal to the temptation.

It may be justly said of the plan of voting by a general ticket, that it is not consistent with the true theory of a popular representation. The popular branch of the national legislature should exhibit a faithful image of the people. When, for example, a state is divided in its interests and opinions, when some districts are agricultural, some manufacturing, and some commercial, and, if you will, when some are republican and some federal, each of those districts of people should have a fair representation in Congress. Because, one interest or one party happen to be predominant in a state, it is no adequate reason that the rest should be disfranchised and have no voice in the national councils. This, indeed, would not be a representation of the people, but of the states; giving to this House, a federal instead of a popular origin and character.

A little reflection will convince us, that this is not a mere nominal distinction. Upon all the great political questions, by which this, like all other free governments, must be often divided into parties, the general ticket system, by entirely suppressing the voice of the minority, would cause the representation from each state, in Congress, to be unanimous, on one side or the other. Thus would states be arrayed against states on this floor, stimulated by pride, heated by collisions, and estranged by feelings of rivalry, and throwing into the discussions here, all the violence of local feelings and local prejudices. By the inevitable tendency of this state of things, to produce a *geographical formation of parties*, we need not the prophetic spirit of Washington to warn us, that the harmony of the Union would be destroyed, and perhaps its existence endangered.

Every thing that tends to strengthen the peculiar and exclusive feelings of state pride and sectional prejudice, inevitably weakens the bonds of the Union. We are, therefore, urged, by all the considerations that attach us to this great palladium of our security and happiness, to adopt such an organization as will break those large masses of political power, whose collisions can never fail to shake our system, to its deepest foundations. It ought never to be forgotten, that the citizens of this republic, though subdivided into states for certain essential purposes, are *one people*, in all that relates to the general government. Born to a common inheritance, purchased by the toils, the sacrifices, and the blood, of their common ancestors, they should be united, not less by the ties of common sympathy and kindred feeling, than by those of common interest. With a view to give strength and durability to these essential bonds of union, it is of the utmost consequence that the local minorities in the several states, and various geographical divisions of our extensive country, should have a fair and full representation in Congress. In periods of deep political excitement, nothing is better calculated to allay sectional animosities, and subdue the angry spirit of faction, than the mediatorial influence of such representatives.

The committee propose now to consider, more particularly, that part of the resolution committed to their charge, which makes it their duty to inquire into the expediency of establishing a uniform mode of

appointing the Electors of President and Vice-President of the United States.

Three modes now prevail in the different states. In some, the appointment is made by the legislature; in some, by the people, voting a general ticket; and in some, by the people, voting by districts. By giving each of these modes a separate consideration, we shall be the better enabled to ascertain the relative merits of that which is submitted to the House for its adoption.

Pre-existing bodies, sufficiently small and permanent to be exposed to the tampering and seductive arts of intrigue and corruption, ought to have no agency in the election of a President of the United States, upon any ground short of absolute necessity. State legislatures are bodies of this description, and there is no pretence of a necessity for interposing them between the people and the electoral college. According to the true conception of our political system, the people *exercise* the elective power. When, from considerations of convenience, agents are appointed for this special purpose, it is not, as in the case of a legislative trust, to exercise their own judgments, but simply to execute the popular will. The assumption, that the legislatures would make a better choice than the people, involves the admission, that their choice would be different from that of the people; an admission which, if the foregoing views be correct, furnishes, in itself, an unanswerable objection to the interposition of such an agency. In proportion, therefore, as the number of intermediate agencies is increased, the chances are multiplied that the will of the people will be defeated, in the choice of a chief magistrate. The committee have no confidence in that sort of artificial and complicated machinery, through which some suppose it necessary to filtrate the popular will, in order to purify and enlighten it. The stream of elective sovereignty is no where so pure as at its source. Every remove from this, is an advance in a course inevitably ending in corruption. Indeed, it is apparent, that the framers of the constitution, by ordaining that "each state shall appoint, in such manner as the legislature thereof may prescribe," the electors of President and Vice-President, intended to exclude the legislatures from *making the appointment* themselves. That this is the true interpretation of the constitution, is abundantly obvious, as well from the fair import of the words of that instrument, as from the profoundest commentary ever written on it. The authors of the "Federalist," in speaking of the election of the President, use these words: "It was desirable that the sense of the people should operate in the choice of a person to whom so important a trust was to be confided. This end will be answered by committing the right of making it, not to any pre-established body, but to men chosen *by the people* for the special purpose, and *at the particular conjuncture*."

Whatever objections may be urged against the appointment of the electors by the people, no one, it is presumed, will allege that corruption will find, in that mode of proceeding, any scope for its operation. Neither have we any just ground to apprehend that intrigue, operating by means less palpable than corruption, and appealing to

motives less profligate than venality, will produce any impression upon the vote of ten millions of freemen, scattered over the vast domain, which is their favored inheritance. The fact that these principles are, from their very nature, incapable of acting upon multitudes, would prevent them from operating upon the people, even if we had not the higher security furnished by their virtue and patriotism.

But it is frequently objected, that the great mass of the people are not sufficiently intelligent to decide upon the qualifications of so important an officer as the chief magistrate of a great Republic, and yet, that, in voting for electors, who are merely the organs of their will, they in fact determine that question. As the history of all nations, of any considerable extent, gives at least a plausible coloring to this objection, it deserves to be deliberately examined. No political principle is more firmly established by the experience of nations, than that the freedom of political institutions cannot rise higher than the intelligence of the people. All attempts to erect free governments upon any other basis than an intelligent population, have always resulted, and must ever result, in re-action and disaster. If, therefore, the committee could believe that the people of the United States are not sufficiently intelligent to perform so essential a function of popular sovereignty as the election of their chief executive magistrate, they could not resist the unwelcome conclusion, that our system of government is but a delusive hope, resting upon unsubstantial foundations, and containing within itself the principles of rapid degeneracy and certain dissolution. Responsibility to *the people*, all must admit, is the only adequate security for freedom, the great conservative principle of a representative government. And what would be the value of the responsibility of a public agent, to a people not capable of electing him? If, therefore, it could be shewn that the people are not competent to elect the President, an argument would result, which it would be difficult to resist, in favor of those political combinations which, under various forms and pretences, are ever ready to assume the province of dictating to the people, and which can only be regarded, when habitual and permanent, as synonymous with corruption.

Under these circumstances, we have a source of just consolation and pride in the reflection, that, in all that relates to the maintenance and enjoyment of a system of practical freedom, history has left no record of a people at all to be compared to the citizens of these United States.

A very brief notice of the prominent circumstances which distinguish our social and political condition from that of the republican nations of antiquity, and of the civilized nations of modern Europe, will furnish, at once, the evidence and the explanation of this superiority.

No estimate of the comparative condition of this and the ancient republics can be just, which does not embrace the invention of the art of printing, and the consequent establishment of a free press. These causes alone have produced a permanent revolution in the political

condition of the human race. Societies of freemen have been improved and enlarged, to a degree, utterly unattainable without these efficient means of diffusing intelligence, and the republican system has consequently received a modification and extension, which the wisdom of antiquity would have pronounced impossible. The harangues of their orators, delivered to collected multitudes, were almost the only means of political intelligence enjoyed by the people of the ancient republics. The extent of a republic, or, in other words, of a government emanating from the people, and responsible to them, is confined, by an imperious political necessity, to such limits, that the proceedings of the central administration may be promptly, certainly, and generally communicated to the extremes of the country. Adverting, therefore, to the limited means of communicating intelligence possessed by the ancients, the reason is apparent why their republics were so extremely contracted. They were, of necessity, simple democracies; and, in the days of their greatest purity and splendor, the portion of the people which really governed was confined to their chief cities, because that portion alone was within the reach of the only existing sources of political intelligence. On the contrary, the great body of the people of the United States, dispersed over an immense region, to whose soil they are attached by the strongest ties, receive daily, in the tranquillity of retirement, from books, documents, legislative discussions, and the chronicles of passing events, that knowledge of the affairs of the Republic, which the Greeks and Romans received almost entirely from the occasional debates of their orators before the assemblies of the people. It is, therefore, extremely obvious, that any inference unfavorable to the political capabilities of the American people, which can be drawn from the history of those republics, must be founded upon loose analogies, calculated rather to delude than to enlighten.

A comparison between the United States and the civilized nations of modern times, will lead to results equally flattering.

All the great political societies of modern Europe, having a feudal origin, are constructed upon feudal principles. A permanent inequality of property, maintained by law, and consecrated by usage, has naturally produced the extremes of a proud aristocracy and a degraded populace, without any intermediate power sufficient to control their irregular tendencies. In such a state of things, it is not difficult to conceive, that a popular election of the chief executive magistrate would throw the hostile elements of society into such violent collision as to involve in anarchy and ruin all that is sacred in the institutions of the country. But all the American communities which compose the United States, are essentially different, both in their origin and construction, from those of modern Europe. Our ancestors, in the full maturity of reason, with no consecrated errors to embarrass them, reared up, from its simplest elements, a system of practical freedom; and, from the first settlement of the country, every successive generation has been accustomed to exercise the functions of self-government, in every form, and in every variety of com-

binations. Nor are we less favorably distinguished in the composition of our social system, than in its origin.

The abolition of the laws of primogeniture has produced a general equality of property, and this again, together with the equality of civil and political privileges, has produced a general diffusion of knowledge, of which history furnishes no example. Almost the entire mass of our population corresponds, in character and situation, with what is denominated the middle interest in England, and which is justly considered, by her most enlightened statesmen, as the soundest part of her population. In extending the elective system in the United States, therefore, beyond all former precedents, we do nothing more than adapt our political to our social system. In fact, so widely different is our situation from that of any other nation, that it may be truly said, that the people would be less liable to make an injudicious choice of a chief magistrate, than of any other important officer of the government. Such is the admirable distribution and subordination of political powers in our system, and such the variety of practical schools of preparation and trial through which a statesman must pass, before he can aspire, with any just or reasonable expectations of success, to the highest office in the republic, that the qualifications and pretensions of the candidates can always be determined by the wisdom of their past measures, and the importance of their past services. As these are the only indications of wisdom upon which it would be safe to rely, in the selection of an officer of such vast responsibility and importance, it is satisfactory to reflect, that they are indications, also, of so palpable a kind, that they cannot fail to make their just impression, both upon the intelligence and gratitude of an enlightened and patriotic people.

But another objection, of a kindred spirit with that which has been just considered, is frequently urged against the change proposed. It is said that the appointment of electors by the people would so directly involve the canvass for the Presidency itself, as to produce a degree of popular excitement subversive of the order and peace of society. The remarks already offered, in relation to the dispersion of our population, the peculiar structure of our society, and the general diffusion of intelligence, are sufficient to show, that nothing in the experience of other countries can be regarded as a just foundation for such an apprehension. But, there are other views of the subject, which will lead us to the conclusion, that the tendency of the proposed change, upon which this objection is founded, is one of its strongest recommendations.

The order of social virtues and social duties in the United States, is nearly the reverse of that which existed amongst the Greeks and Romans. In an ordinary state of things, when no great emergency calls for patriotic sacrifices, the duty which principally engrosses the feelings and the efforts of an American citizen, is to make provision for his comfortable subsistence, and to satisfy the claims of his family. Whereas, the first consideration of a Greek or a Roman citizen, both in peace and in war, was the glory of his country. Our ten-

dency, therefore, is to give too exclusive an attention to private pursuits, and sink into indifference in relation to the general concerns of the republic; while the tendency of the Greeks and Romans was to intermeddle perpetually in public affairs, to the neglect and detriment of their private concerns. Our danger, therefore, is too much popular apathy; theirs, was too much popular excitement. And though the state of things existing here, is more deeply founded in nature, and furnishes a more substantial basis for a durable and extended system of liberty, it certainly indicates the necessity of such constitutional arrangements as will rouse the attention of the people to so great a national question as the election of a chief magistrate. No stronger evidence need be offered, of the existence of such a necessity, than the actual state of public opinion on that subject, at this moment, in many parts of the Union. The people have been so long accustomed to have no practical agency in the election of a President, that the idea is not uncommon, that they have nothing to do with it. As the inevitable tendency of this state of popular indifference, is to increase the power and influence of political managers and unprincipled combinations, it is of the last importance that it should be corrected, if possible. The Committee are of the opinion, that the plan submitted will furnish the remedy.

But it yet remains that we inquire whether the people should vote by a general ticket, or by districts. The Committee will, therefore, proceed to state the considerations which have induced them to adopt the latter system. It was as evidently the intention of the framers of the constitution, as it is the dictate of sound policy, that the President of the United States should be the choice of the *people* and not of the *states*. It is true, they contemplated an infusion of the federal principle into the election, in the proportion of the Senators to the Representatives in Congress; and this proportion is retained in the plan proposed by the Committee.

But to extend the federal principle to the whole body of the electors, would be nothing less than sacrificing the rights, the interests, and the power of the people, to the false and imaginary idol of state consolidation.

Assuming it as an undeniable position, that a majority of the *people* of the *United States* have a right to elect the President, and that the will of such majority ought to prevail, it can be demonstrated that the system of voting by a general ticket would render this fundamental principle of our government the sport of accidental combinations. Six of the states, for example, if they give a unanimous vote, can elect the President. But, if they vote by a general ticket, the candidate who obtains a bare majority of the popular vote, receives the unanimous electoral vote of the state. So that, assuming the population of the United States to be eight millions, a little more than two millions of the people might elect the President. Let us again suppose that there are two states, one containing nine hundred thousand people, and entitled to thirty electoral votes, and the other containing eight hundred thousand people, and entitled to twenty-six

electoral votes. Let us further suppose, that there are two candidates for the Presidency, of whom one is supported by five hundred thousand of the people of the first supposed state, and the other by the remaining four hundred thousand, and the entire eight hundred thousand of the other state. Under these circumstances, the candidate who obtains the support of only five hundred thousand of the people, would receive thirty electoral votes, while twelve hundred thousand people could give the opposing candidate only twenty-six! According to this system of false equations, a large minority of the people is precisely equal to no minority at all. By thus entirely excluding the state minorities from the calculation, in making up the general aggregate, the people are literally immolated, by hundreds of thousands, at the shrine of an artificial and delusive system, which, by making a *majority* equal to the *whole* in *each state*, gives a minority an equal chance for the ascendancy in the *Union*.

The true popular principle, in the opinion of the committee, is that which prevails in all other popular elections throughout the United States. In the election, for example, of the Governor of a state, by the people, a candidate does not count the unanimous vote of every county where he happens to obtain a majority, but the respective majorities of the several candidates are added to their respective minorities, and the aggregates thus produced are taken as the true expression of the popular will. If, then, in all that relates to the "common defence and general welfare," the people of the United States are really to be regarded as one people; if all the citizens of the Republic, whether their lot happens to be cast on the one side or the other of an imaginary line, are equally entitled to their vote and their voice in the common concerns and common councils of the Union; if it be wise to exclude from those councils the peculiar and exclusive feelings of states; and if the man who is to preside over the common destinies of all, should have peculiar obligations to discharge, and peculiar feelings to indulge, towards none of the states; we are under the most solemn obligations to reject a plan for electing the President, which would array states against states in ambitious conflict for the mastery, and equally sacrifice the unalienable rights of the people, and the general harmony of the Union.

But there is another objection to the system of voting, by a general ticket, which the committee consider unanswerable.

It is a practical proposition, conclusively established by the experience of all the states where the experiment has been made, that this system tends, by an inevitable necessity, to transfer into the hands of a few the power of controlling the entire suffrage of the state. In a state entitled to thirty electors, and composed, perhaps, of fifty counties, it must be apparent, that almost every county would vote for an entire ticket of its own; and that the popular will would be thus exposed to such distraction, as completely to endanger its success, without some means of giving it concentration. And as the power of the individuals selected for this purpose must be co-extensive with the

wills which it would be their object to concentrate, it would follow, that they would virtually decide which of the presidential candidates should receive the whole electoral vote of the state. At the first commencement of such a system, when the persons clothed with the authority of uniting the popular will were really its representatives, no great evil would be experienced. But the slightest attention to the history of ambition, the tendency of power, or the lessons of our own experience, will convince us that such combinations change, in the natural course of things, from temporary expedients to permanent institutions; and that, from being the mere organs of the will of the people, they assume, under pretexts which ambition is seldom at a loss to devise, the power of dictating to the people.

In making these general remarks, the committee feel conscious that they are rather recording the history of the times in which they live, than their own speculations. And it is upon this high authority that they predicate the opinion, that, if the plan of voting by a general ticket were established, a central power would spring up in almost every state, consisting of the ruling politicians of the day, who would be bound to the people by no tie of regular responsibility, and be, in every respect, more liable to cabal, intrigue, and corruption, than the Legislature itself. And when we reflect that the entire electoral vote of a state, upon which the presidential election itself might turn, would, frequently, depend upon the integrity of a few men, perhaps of a single individual, it is difficult to conceive a state of things in which there would be stronger inducements, or greater facilities, for intrigue and corruption. By dividing the states into districts, all these evils would be avoided. The will of the people would be fairly expressed. No political combinations would be necessary or practicable. Every district would, at least, have its own centre of operation, upon which corruption would be brought to bear with its inducements vastly diminished, and its consequences proportionably less to be dreaded.

The last branch of the resolution, under which the committee are acting, remains to be considered.

They have found it impracticable absolutely to exclude the possibility of the election of President and Vice President devolving, in any event, upon Congress; but they believe, under the plan submitted, the contingency would not happen once in a century, upon which the election would devolve upon that body. They propose, in the event of no person receiving a majority of electoral votes at the first balloting, that the electors shall again meet, forthwith, in their respective states, and vote for the two persons having the highest number of votes in the first instance. This will almost invariably ensure an election by the electors, at the second balloting. Indeed, it may be fairly presumed, that every candidate who is convinced he cannot be one of the two highest in the first instance, will withdraw from the contest; and, in this manner, the probability of an election, at the first balloting, will be very much increased.

This branch of the amendment is recommended by all the reasons

which can be urged against the election of the President by the House of Representatives. And these, in the opinion of the committee, are cogent and conclusive.

All history teaches us the melancholy truth, that, in the election of the Chief Magistrate of a great Republic, intrigue and corruption, under the various and insidious disguises which they are capable of assuming, are the deleterious principles against which the precautions of human wisdom are least capable of providing an effectual resistance. The danger to be apprehended from these principles, is in direct proportion to the temptation and the means of rendering them efficient instruments in promoting the views of ambition. And what prize can hold out more attractive temptations to the ambitious, than the Presidency of the United States? In pursuit of what object is even a virtuous mind so much exposed to the blandishing delusions of that wretched casuistry, which makes the end sanctify the means? And when we advert to the immense store of patronage which would be placed for distribution in the hands of the successful aspirant, it cannot be disguised, that he would have precisely those means of tampering with the members of the House of Representatives, by which the wages of wickedness might be received in the disguise of virtue's recompense; and the wretch who sold his integrity, might almost delude himself into the belief that he was serving his country. It is exceedingly unpleasant to indulge the idea, that the representatives of a virtuous and enlightened people could ever be swerved from any duty by selfish or sinister views; but, we have the authority of more than human wisdom for saying, "*lead us not into temptation.*" It is, therefore, the deliberate opinion of the committee, that the only effectual mode of preserving our government from the corruptions which have undermined the liberty of so many other nations, *is to confide the election of our Chief Executive Magistrate to those who are farthest removed from the influence of his patronage.*

As long as the national legislature continues to have so direct an agency in the election of the President, even excluding the supposition of corrupt influence—the most injurious effect must be produced upon the character of its members, and the temper of its deliberations. The legislators of the Union will be converted into partizans of the respective candidates for the Presidency; their mutual criminations will unavoidably distract and embarrass the essential business of the country; and, instead of devoting themselves exclusively to the great objects of their legislative trust, their time will be engrossed in holding consultations and projecting devices, for the purpose of controlling public opinion on the Presidential Election; and it would but too certainly result, that principles would be sacrificed to men.

It may be fairly assumed, that, until the constitution is amended, the President of the United States will, in general, be elected virtually by Congress, in one form or another. Without intending to blend the consideration of temporary questions and passing events with the general views here presented, the Committee will be ex-

cused for adverting to the fact, that the eventual choice of the President by the House of Representatives, in a mode which makes a single member from one state equal to thirty six from another, will always furnish an argument, or a pretext, for those preliminary combinations, which all admit to be evils in themselves, and only to be excused as the means of avoiding greater evils. In this manner, we are not only exposed to the contingent evil, growing out of the constitution itself, but the certain evil of combinations for the avowed purpose of avoiding it. Congress will not only have the power of choosing a President from the three persons who shall receive the largest number of electoral votes, but will have a plausible argument in favor of nominating a President, before the electoral vote has furnished them with any certain indication of popular opinion, to direct their choice and limit the extent of their discretion.

It cannot be disguised, therefore, that the tendency of the state of things now existing under the constitution, is to *convert Congress into a permanent electoral body*. Under these circumstances, the candidates for the Presidency, instead of devoting themselves to the service of the country, by measures calculated to promote the welfare and secure the confidence of the people, will be tempted to devote themselves to those arts of conciliation and management, by which the members of Congress may be most effectually secured in their interest. The ultimate consequence would be, that our chief magistrates would be elected by cabals of politicians, having views and interests alien from those of the people, and that the country would be governed by a succession of factions, each proscribing the members and destroying the work of the one which preceded it, and communicating to the operations of our system all the unsteadiness of a turbulent democracy, and all the tyranny of a temporary despotism.

The Committee, therefore, believe, that the only effectual mode of rendering the government efficient and steady in its operations, and at the same time consistent with the security of the general liberty, is to infuse more of the democratic principle into the election of the President, making him in fact, as he is in theory, the choice of the people.

Having thus attempted to shew, they trust not altogether without success, that the rights and interests of the people imperiously demand that the proposed amendment should be adopted, the Committee will offer a few concluding remarks upon the manner in which the states will be relatively affected by it.

It may be justly doubted whether, on such a question as the present, the states, as separate communities, can have any interest different from that of the people of the states, considered merely as portions of the common mass of our general population. But, as it is not to be expected, that one class of states will surrender, without an equivalent, the relative power secured to them by the constitution, the Committee have endeavored to introduce into their plan, such principles of compromise, as will be most likely to secure a general acquiescence.

The division of all the states into districts will prevent them from moving in consolidated masses, and will diminish the relative power of the large states more than that of the small states; but for this there is an ample and equitable equivalent, in the diminished probability that the election of the President will come into Congress, and in the surrender, by the small states, of their equal power, even when that contingency shall happen. This compromise is forcibly recommended by the consideration that the powers given up, both by the large and the small states, are powers which they ought not in justice to possess, and which are not transferred from one to the other, but surrendered by both to the people.

As it is obvious that neither the large nor the small states ever will consent, or perhaps ever ought to consent, to correct the great and increasing evils of our present system, without mutual equivalents, similar to those provided in the plan submitted by the committee, the question for both to determine is, whether they will submit to the existing evils, great as they are, by the admission of all; or magnanimously offer up, on the altar of their common country, powers which are neither consistent with the rights of the People, the purity of the Government, or the harmony of the Union.